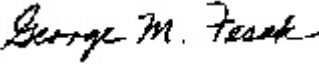


MEMORANDUM FOR KEVIN G. STRICKLIN
Administrator for Coal
Mine Safety and Health

FROM: GEORGE M. FESAK 
Chairman, MSHA Fatality Review Committee

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: C-2007-23

Date of accident: March 15, 2007

Date of death: March 15, 2007

Mine: Cabin Hollow Mine

Operating Co.: Bell County Coal Corporation

Contractor: Big K, Inc.

Decision: non-chargeable

In a unanimous decision the Fatality Review Committee has determined that the death of the decedent should be non-chargeable to the mining industry. The committee members felt that the finding from the certificate of death and the results from air sampling tests were significant factors in the decision. The death certificate showed the cause of death to be "Acute Myocardial Infarction". The results from air samples taken from the truck he was driving were within the normal range.

cc: Richard E. Stickler
John Pallasch
Robert M. Friend